1609/1924

'TIS ALL MY EYE,

ADDRESSED TO

ARCHIBALD MACDONALD, Esq.

BY

A GENTLEMAN

OF

LINCOLN'S INN.

All this may be. The People's Voice is odd:
It is, and it is not, the Voice of God.

Pope's Imitations of Horace.

LONDON

Printed for G. and T. WILKIE, No. 71, St. Paul's Church Yard.

M.DCC.XXXVI.

1608/4724.

'TIS ALL MY EYE.

SIR,

VARIOUS have been the reports respecting the introduction of a new system for the better regulation of what is called the Police of Westminster.—I do not know what is intended, but if it be your wish and intention to introduce a set of new magistrates, and to arm them with very extraordinary powers, you would do well, and the Public would be much obliged to you, if you would print your bill, and circulate it amongst the People, before you carry it into a law. By this means you will gain the sentiments of the sober and discreet part of the Public, hear the different remarks of different People, and be enabled to form some judicious plan to be adopted.—I have no doubt but it has often occurred

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curred to you, that it would be much better to prevent the commiſſion of crimes than to puniſh offenders. This is the principle and ſpirit of all penal laws; and if any man could ſuggeſt a hint of the kind, if it did not completely anſwer the end, yet if it tended to leſſen the number of offences, I preſume it would deſerve your notice and attention.—You muſt know I am not for creating new juriſdictions, nor for enlarging any inferior ones.—The laws are in the hands of twelve very honeſt, reſpectable men, and I hope they will continue there. The Public have no reaſon to complain of them, of their mode of adminiſtering juſtice; and, till they have, there is no doubt but the Parliament will be extremely cautious how they introduce a new ſet under the queſtionable ſhape of forming a new ſyſtem for regulating the Police of Weſtminſter.—I don't very well like the word Police: it ſmells too ſtrong of Paris; and I am not for adopting any French faſhions, eſpecially in the ſyſtem of juriſprudence. The old Engliſh laws are good enough for me, and if well enforced, will be found to anſwer all the good purpoſes for which they were formed: but the beſt laws that ever were made, if not properly executed and duly enforced, are of no more

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uſe to the Public than a piece of waſte paper; the man who has not courage enough to carry them into execution is not fit for a magiſtrate, let his character be never ſo reſpectable in every other particular. The magiſtrate does not make the law: he finds it ready prepared for him, and the Conſtitution has wiſely appointed him the interpreter.

It is not he but the law that condemns: he has only to ſay, *Fiat juſtitia ruat cælum.*—How far Judges in former times, regardleſs of their own honour, and deviating from the dignity of their ſtation, have condeſcended to forget themſelves in favour of a particular perſon or ſyſtem, in compliance with the politics of the times or the rage of the day, is not for me to inquire: let it ſuffice to remark, it is not the faſhion of the preſent age. Modern Judges conſider their characters as too ſacred to be trifled with: they are the conſtitutional mediators and advocates for the priſoner: they are to ſee, and will ſee, that every thing which is proper and juſt ſhall be done. I wiſh, with all my heart, they had not ſo much upon their hands: it would be better for them, and happier for the Public.

But

But as regulating the police of Weſtminſter is the ſubject we are now upon, I will introduce to your obſervation a little ſyſtem which has been adopted in Glouceſter with very good effect. Be pleaſed, therefore, to obſerve then, that in Glouceſter, as ſoon as a beggar is ſeen publicly aſking charity in the ſtreets, he is that inſtant taken up, and carried before a magiſtrate; if an object, relieved, and ſent home; if not, he is aſked whether he will be whipped out of the north, the ſouth, eaſt, or weſt gate, and the puniſhment is immediately inflicted upon him. By this ſummary mode of proceeding, all that tribe of gentry are effectually put an end to; and for this eſſential ſervice to the city, the conſtable is entitled to and paid ſixpence or a ſhilling, I do not immediately recollect which. Whether this ſyſtem is worthy of your notice I am not able to determine; but it ſeems to me ſo replete with good ſenſe, that I ſhould be happy to ſee it adopted in every part of the kingdom: and as Weſtminſter has more rogues in it than any other place in the kingdom, I ſee no reaſon why you ſhould not make it a part of your plan. It is a well-known fact, that begging is reduced to a ſyſtem, and become as much a trade as any other carried on in London or Weſtminſter: and

I believe,

I believe, too, it is a very profitable one; for, if I am not misinformed, there are many common beggars in this metropolis who get four or five shillings a day. And is not this a great reproach to the English nation, where so many ways and means may be found to employ these idle people? There are many, very many, hard-working, industrious, sober persons in London, who do not live half so comfortably as these dissolute wretches. The common beggars of this great town have their walks and stands as regular as the day, and are as sure to be found in them at particular hours, days, and weeks, as the most regular merchant upon Change. To these places they punctually resort to attract you notice, excite your pity, and impose upon your understanding. Tabernacles and preaching houses are admirable stands; and happy is that man who can fix his standard there first; he is sure to live well. Many of them, like Shakespeare's Justice, look sleek, and as if there bellies were with good capon lined. There is no set of these common beggars who hurt me more than those who having any bodily infirmity expose it to awaken your feelings. Is it not shocking in a cold frosty day to see a great strapping fellow with a sore leg, without a plaster or any thing upon

it, lying down upon the ground, and making wry faces for hours together to gain a livelihood. If you were to ſend, or propoſe to ſend, one of theſe people to an hoſpital, he might thank you, but he would not accept your offer. He looks upon his ſore leg as an eſtate for life — The rent — the hap of the day.

In a country like this it ſeems very odd that you ſhould ſo frequently meet with numbers of ſtout healthy women, with children attending them, getting their bread by no other means than begging about the ſtreets. What can you expect will be the conſequences of ſuch a mode of living, but what are daily experienced? The boys come to be hanged, and the girls turn whores. Theſe poor children are to be pitied — greatly pitied. They have been brought up in the way in which they ſhould not go, and ignorant of that which leads to virtue, to peace, and to happineſs, they have travelled on without knowing their danger till they have found themſelves on the brink of perdition. They have ſucked in hypocriſy with their mother's milk, which, like the evil, ſticks to them as long as they live, and commonly ſhortens the period of their exiſtence. —

Conſequences

Conſequences like theſe ſhould be guarded againſt. Cauſes that produce ſuch effects ſhould be prevented if poſſible. And it ſtrikes me, that the beſt method which can be deviſed is to check idleneſs wherever it ſhews itſelf. Like a weed in a garden, it ſhould be plucked out the moment it appears; and whether it comes in the ſhape of a lame or a blind man, it ought immediately to be diſcountenanced. If there had not been a ſhameful relaxation of all order, and the laws had not loſt their tone for want of the proper exertion of the pariſh officers, the public had not for ſeven years together ſeen a healthy man with a long carrotty beard ſhaking upon the threſhold of a door as if he would not ſurvive the fit: but the truth is, that this fellow has been acting the character of Sir Andrew Aguecheek, and filled it ſo well, that he has got a good livelihood by it. He would as ſoon part with his life as the ague. He could not live without it. To him it is meat, drink, waſhing, lodging, and clothes.

I have dwelt the longer upon this ſubject, becauſe I think that idleneſs is the fountain of every thing that is bad, and the conſequences are as much to be dreaded and guarded againſt as a peſtilence or famine.

It corrupts and deſtroys every thing; no poſſible good can flow from ſuch a ſpring. The civil magiſtrate is as much called upon to prevent it as to puniſh wicked and bad men when brought before him.

Perhaps I may be aſked how I would employ the man who has loſt an arm or a leg, or both his eyes? I anſwer, Twenty ways. There are abundance of trades which require a wheel to be turned; and the man who has but one leg, or one arm, or no eyes, may do as well as a perſon who does not labour under ſuch a misfortune. If he cannot earn ſo much, he can at leaſt earn ſomething, and ſomething he ought and ſhould do to gain an honeſt livelihood by. The Public ought not to raiſe ſuch enormous ſums of money for the benefit of the poor as are annually collected, and yet be over-run with beggars in every part of the town.

This evil might ſoon be cured, if you would adopt the Glouceſter plan: — Only appoint ſo many officers in every pariſh for the purpoſe of apprehending thoſe perſons, and give them one ſhilling a head for bringing each perſon before the magiſtrate,

ſtrate, and you will ſoon put an end to begging. You will find the officers ſprack enough if they can get any thing by doing their duty. Profit is the prettieſt ſtimulus in the world—it never fails to produce its effects.

But whatever may be the intention of Government with reſpect to regulating the Police of Weſtminſter, if the principles of the plan are not pure, and perfectly ſound, no good can be expected from it. Inſtead of anſwering our hopes, it will only ſerve to diſappoint them, produce the very contrary effects for which it was framed, and, God knows, the People of Weſtminſter ſtand in no need of any additional evils. Above all things, care ſhould be taken to avoid another Hulk Bill: for, of all the ſyſtems that ever were thought of, propoſed, and adopted, by a great nation, in an enlightened age, and for the reformation of manners too, that was the moſt miſerably wretched. It was big with every miſchief and inconvenience that a wiſe people ought to have guarded againſt: it was, in plain Engliſh, eſtabliſhing a college for knaves. They were ſent in pretty apt ſcholars, but came out complete maſters of arts. The Public have

ſelt the force of the ſyſtem, and experienced the good effects of their education. How any reaſonable man could ever be weak enough to flatter himſelf even with the hopes of ſuch a bill producing any good effects, is to me aſtoniſhing; and yet the Public were as laviſh in their praiſes of that ſyſtem, and as fond of having it carried into execution, as they are now eager to have a Police eſtabliſhed in Weſtminſter.—If you appeal to any man whether he would take into his ſervice or employment a perſon diſcharged from the hulk? what other anſwer can you expect than a negative? What then muſt be the conſequence of the poor wretch's enlargement?—He won't ſtarve!—human nature ſhudders at that. If then he cannot procure employment honeſtly, he muſt of neceſſity betake himſelf to thoſe unhappy ways for ſubſiſtance which firſt brought him to all the difficulties, and ſubjected him to all the diſtreſs he has juſt been freed from. It is ten to one if he is not taken up in a fortnight for houſebreaking or highway robbery, tried at the next ſeſſions, the fact of his having been diſcharged from the hulk mentioned as an aggravation of his crime, convicted, and hung out of

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the way. If he was never ſo well diſpoſed, it is almoſt impoſſible for him to avoid the gallows. Such are the baneful effects of an ill-digeſted ſyſtem of juriſprudence. The ſame conſequences frequently reſult from a free pardon. A more melancholy inſtance cannot occur than what happened when Mr. Alderman Skinner was Sheriff. A poor lad, whoſe father was very well known to that good officer and humane magiſtrate, happened to be convicted of a capital crime. The boy, during his confinement, both before and after conviction, behaved very orderly, conducted himſelf highly becoming, and, from the general tenor of his behaviour, induced every one to think he was a reformed perſon, and, if pardoned, would prove a uſeful, good member of the community. The Sheriff, charmed with the boy's behaviour, eager and happy to embrace an opportunity of doing a friendly office by the father, took occaſion to repreſent the whole affair to His Majeſty, and, by his kind interpoſition, procured a free pardon; and what do you think was the conſequence? In about two months afterwards Mr. Sheriff Skinner himſelf was obliged to officiate and attend the execution of this very boy. So much for pardons.

But

But don't let me be misunderstood. I find no fault with Mr. Skinner for his benevolence: he did as every other good man would and ought to have done: whilst he maintained the dignity of the magistrate, he could not forget the feelings of a father! — I honour him for his conduct. The prerogative of the Crown could never be more nobly employed than upon such an occasion. I only produce this as an instance of the effect of a pardon, even where the boy had a father who would employ him. How much harder, then, must be the case of that poor wretch who can get no employment? Famine and horror stare him in the face, ruin and destruction are galloping after him, whilst death, like a hawk, hovers over and seizes him as his prey at Tyburn. It shocks me to think of it; but experience daily confirms the truth of these observations. We will quit this melancholy subject, and, when the hulks are untenanted, hope that they and the system may be buried in the ocean, never to rise again.

I do not know whether it has ever occurred to you, but it has often struck me, that the granting of licenses to so many public houses has

has had its weight in creating and increaſing the evils ſo much complained of; — There gaming, and every ſpecies of diſſipation, is carried on; There debauchery and exceſs fix their ſtandards.— I know what will be ſaid in ſupport of them: Government is benefited and the revenue increaſed. But is it not apparent, that the revenue which ariſes from the corruption and depravity of the people's manners, is built upon a rotten foundation? Is ſuch a ſyſtem fit to be encouraged? As far as granting licenſes for the accommodation of thoſe who have no other home to reſort to for meat and drink, it is very well: but no ſerious man will aſſert, that the keeping ſuch houſes open all night long is a benefit to the community. One good effect, I own, is produced:—thieftakers as regularly go there in ſearch of their prey, as kites frequent the fields where partridges have been hatched, and often with equal ſucceſs.

Every man in this country thinks he has a right to find fault; and without knowing where the defect is, whether it ariſes in the law or the execution, is conſtantly ſuggeſting additions and alterations, and blaming thoſe to whoſe care the

ſprings of government are entruſted, for not adopting his plans. But let the penal ſtatutes of this country be never ſo wiſely framed; let them be replete with every convenience the clear head and uncorrupted heart can ſuggeſt, if the perſon who attempts to enforce them is to be branded with the odious and reproachful name of an informer, your law is not worth two pence. Inſtead of diſcountenancing thoſe who have virtue enough to put the laws in action, it ſhould be the practice, as much as it is the duty, of the civil magiſtrate, to encourage them. He ought to point out the utility of ſuch men, and by the ſuperior authority his ſituation places him in, to wipe off every ſtigma or reproach the wantonneſs of thoſe who wiſh to elude the juſtice of their country may chuſe to throw upon them.

If a knave or a thief is detected, the common cry is, Puniſh him, puniſh him. — With all my heart. — But don't let the man who has courage enough to puniſh him, be abuſed for doing what you have been wiſhing him to do. The law ſays, there ſhall be ſuch a quantity of bread in a quartern loaf; that a bottle of wine ſhall contain

tain a quart. If the baker ſells light weight, or the tavern vends ſhort meaſure, and either or both of them are convicted, why ſhould not the name of ſuch villains be made notorious, and their places of abode publiſhed in the papers? There is every reaſon in the world why they ſhould, and I have never yet heard why they ſhould not. The fear of puniſhment hath ceaſed to have its effect upon ſuch men. The fear of ſhame may, perhaps, have a different one. Let ſuch perſons be once made ſenſible of the impropriety and injuſtice of their conduct, whether by the force of example, or the influence of ſhame, it is quite immaterial; if they are brought to do that which they otherwiſe would not do, what is it to the Community how the end is obtained? The object being ſecured, the Public is benefited. I do not think it would be a bad ſcheme if every bottle, decanter, quart, pint, tankard, and pot, ſilver or pewter, and every other veſſel in which liquor is vended, was to be marked with a public ſtamp, and a very ſevere penalty put upon him who ſold it without. Every man would then know what he ought to have for his money; whereas, at preſent, the man who calls for a bottle of wine has

not three half pints, which makes juſt the difference of five and twenty per cent. to the vintner. It is a common obſervation, that a ſilver tankard pays for itſelf in a very ſhort time; and ſo do a variety of other veſſels. When Lord North put a penny additional duty upon a bottle of port, the vintner only advanced the modeſt ſum of five pence, which is juſt five and twenty per cent. — A decent little douceur! — A pretty little ſugar plumb, which Government ſuffered the vintner to take by way of reconciling him to the expence of freightage and inſurance during the American war; that bugbear, which every knave and fool made a cloak of to conceal his villany under. — I would not wiſh to bear hard upon the vintner, taverner, or any other tradeſman; but I do ſee a manifeſt impropriety in their dealing with the public juſt as they like. Let them in the ſale of their liquors be under the ſame regulation as the baker; let the commodity riſe and fall with the markets, regard being always had to the vintner — give him the turn conſtantly in his favour. The profits upon wine, rum, brandy, tea, coffee, and the like, are immenſe, and great, 'tis true, are the expences of thoſe who keep coffee houſes and

taverns:

taverns: but the profits and expences keep no pace with one another. When rum ſold for fourteen ſhillings a gallon, there was ſome reaſon for the vintner curtailing the meaſure; but is there any or the ſame pretence why it ſhould be continued now it is reduced to nine ſhillings and nine ſhillings and ſix pence a gallon? None upon earth. Beſides, the Commutation Tax has made three and thirty per cent. difference in favour of the coffee-houſe keeper; and do you hear a ſyllable about a decreaſe? Not a word; rather an increaſe to the traveller. Now this is what calls for regulation. But as it is every one's buſineſs, therefore it is no one's; and you may depend upon it, if noticed it will go unreformed: and yet we ſhall hear of nothing but the Police of Weſtminſter. The papers will be full of it. We ſhall have it rung in our ears from morning till night. I am for a general plan. If the principles of it are good, let every ſubject in the kingdom feel its influence, and partake of its benefit. Every thing that is confined to a particular ſpot, looks ſo partial, and carries ſo much the appearance of a job, that I always ſuſpect it, and nothing but the reputation and character of the patrons of this bill, men of

the moſt unſullied honour, could induce me to think otherwiſe. Their honour is at ſtake; and thoſe who know how to acquire, know how to ſet a proper eſtimate upon reputation. — For my own part, I conſider a good character and a fair reputation as the greateſt comfort of life. Reputation, like the ſenſitive plant, ſhrinks at the touch, and ſhews its uncommon delicacy, like the eye, by dropping a tear the moment it is handled.

I cannot conclude without remarking how ſhamefully the Sovereign has of late years been impoſed upon; how groſsly the majeſty and dignity of the laws have been inſulted and trampled on in the pardon of a Jones and a Kennedy — a Sodomite and a murderer — a cruel, unprovoked murderer. The firſt, 'tis true, was a genteel ſcater, the laſt had a pretty ſiſter. What loſt Mark Antony the world, ſaved the Kennedies. They will never agree, that *mors janua vitæ*; though they may ſay, that ſomething elſe was the *janua vitæ*: for, in ſpite of all law, juſtice, and common ſenſe, they triumphantly marched under the arch. — *Sic tranſit gloria mundi.*

THE END.